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EXAMINER

TRAN, M

ART UNIT

PAPER NUMBER

2731

DATE MAILED: 08/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/123,486

Applicant(s)

BINDER

Examiner
Malkhanh Tran

Group Art Unit
2731



☒ Responsive to communication(s) filed on Jun 27, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-3 and 5-55 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 53-55 is/are allowed.
- ☒ Claim(s) 1-3, 5-10, 12-17, 19-22, 27, 28, 31, 35-40, 42-47, and 52 is/are rejected.
- ☒ Claim(s) 11, 18, 23-26, 29, 30, 32-34, 41, and 48-51 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Amendment

Applicant response received on June 27, 2000 has been fully considered and made of record. Based on the Amendment, claim 4 has been cancelled. Claim 1 has been amended. Claims 35-55 have been added. Claims 1-3 and 5-55 are now pending. In view of the following new ground of rejection, this office action is NOT made final.

Allowable Subject Matter

1. The indicated allowability of claims 4-10, 15-17, 20, 22 and 27 is withdrawn in view of the discovered reference(s) to Markkula, Jr. et al (U.S. 4,918,690). Rejections based on the cited reference(s) follow.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18 and 45 recites the limitation "a method selected from the group" in line 2.

Claims 27 and 52 recites the limitation "one device selected from the group" in line 4 (claim 27) and line 21 (claim 52) .

There is insufficient antecedent basis for this limitation in the claim.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-10, 12-17, 19-22, 28, 31, 35-40, 42-44, and 46-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Markkula, Jr. et al (U.S. 4,918,690).

- As to claims 1-3, Markkula, Jr. et al, in figs. 1, 10, summary and col. 3, line 61 - col. 5, line 40, show a local area network as claimed.

- As to claims 5-6 and 35-36, Markkula, Jr. et al teaching encompasses the claimed limitations (see Appendix C in col. 86).

- As to claims 7 and 37, Markkula, Jr. et al teaching encompasses the claimed limitations (see col. 61, line 52- col. 62, line 6).

- As to claims 8 and 38, each cell in Markkula, Jr. et al is powered from an electrical power main (power supply).

- As to claims 9 and 39, in Markkula, Jr. et al, each cell can deliver electrical power.

- As to claims 10 and 40, in Markkula, Jr. et al, the electrically-conducting media is used to carry both local area network data and electrical power.

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- As to claims 12-13, it is inherent that in Markkula, Jr. et al, at least one cell is housed within a telephone outlet, and said outlet allows connections to telephone services and to the local area network (see Appendix C in col. 86).

- As to claims 14-15 and 42, in Markkula, Jr. et al, cell 21 is housed within an electrical outlet that allows connections to electrical power and to the local area network (see col. 4, lines 19-25).

- As to claims 16 and 43, see Appendix C in col. 86

- As to claims 17 and 44, in Markkula, Jr. et al, each cell includes an address (see col. 5, lines 1-2).

- As to claim 19, in Markkula, Jr. et al, each cell receives electrical power locally.

- As to claims 20, 22 and 46-47, in Markkula, Jr. et al, each cell receives electrical power via a dedicated power line/electrically-conducting media (see fig. 1).

- As to claims 21, 28 and 31, in Markkula, Jr. et al, each cell (20) comprises : a line interface, a modem (111), a control block (100); and a power supply (30), and each cell further comprises a communications interface (29) and a telephone interface (not shown).

Allowable Subject Matter

6. Claims 11, 18, 23-26, 29-30, 32-34, 41, 48-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 53-55 are allowed.

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8. The following is an examiner's statement of reasons for allowance:

- As to claims 11 and 41, the prior art of the record fail to teach that the local area network data and electrical power are combined using FDM.

- As to claims 18, 23-26, 32-34 and 48-51, the prior art of the record fail to teach the claimed limitations recited in claims 18, 23-24, 29, 32-34 and 48-49.

- As to claims 53-55, the prior art of the record fail to teach that at least one of said cells is interconnected to a public telephone network interface; and at least one of said cells is connected to a high data rate connection whose bandwidth is multiplexed to at least one other of said cells.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Tran whose telephone number is (703) 308-7911. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for this Group is (703) 308-9051.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Maikhanh Tran

August 22, 2000


CHI H. PHAM
SUPERVISORY PATENT EXAMINER
GROUP 2700 8/24/00